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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,877	07/18/2003	Chung Ching Lip		1734

7590 01/26/2005  
Chung Ching Lip  
Unit 3A, #8 Cox Boulevard  
Markham, ON L3R 4G1  
CANADA

EXAMINER

EICKHOLT, EUGENE H

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	Application No. 10/621,877	Applicant(s) LIP, CHUNG CHING	
	Examiner Eugene H Eickholt	Art Unit 2854	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 2-30-04 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 1 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
**ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.  
2. ☐ The proposed amendment(s) will not be entered because:  
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ they raise the issue of new matter (see Note below);  
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.  
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

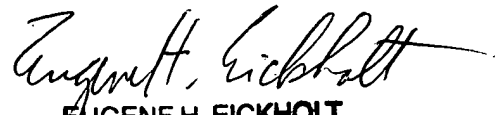
Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.  
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.  
10. ☒ Other: See attached comment

  
Eugene H Eickholt  
Primary Examiner  
Art Unit: 2854

The reply filed on 12-30-04 is not fully responsive to the prior Office action because the Rules for amending claims have changed. Applicant needs to present all the claims with either the status identifier Original or Currently Amended in parenthesis following each claim number. Attached is a copy of examples of the revised claim practice. Applicant is given one month or 30 days whichever is longer to respond and provide the required correction or the application will go abandoned. Extensions of time are possible under 37 CFR 1.136(a).

  
**EUGENE H. EICKHOLT**  
**PRIMARY EXAMINER**

090138



## Recent Significant Rule Makings and Changes in USPTO Practice

Examining Corps Training  
August 2004

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August 5, 2004

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## TOPICS

1. Rules of Practice before the Board of Patent Appeals and Interferences (effective September 13, 2004).
2. Revised Amendment Practice
  - Changes to Implement Electronic Maintenance of Official Patent Application Records (June 30, 2003)(effective July 30, 2003).
3. USPTO to Cease Supplying Copies U.S. Patent References Cited by the Office (E-Patent Reference).
4. Centralized Delivery of Hand-Carried Papers and Facsimile Transmissions (effective 12/01/03, 4 notices – 6/1/04, 3/23/04, 2/24/04, and 10/28/03).
5. Status and Access Guidelines (July 24, 2004).

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## Revised Amendment Practice Amendments to Claims

✧ **Claim Listing** - When there is any amendment to a claim, a claim listing of all claims ever presented in the case must be supplied in ascending numerical order.

✧ A simple example of a claim listing is as follows:

- Claims 1-5 (canceled)
- - Claim 6 (previously presented) A bucket with a handle.
- Claim 7 (withdrawn) A handle comprising an elongated wire.
- Claim 8 (withdrawn) The handle of claim 7 further comprising a plastic grip.
- Claim 9 (currently amended) A bucket with a ~~green~~ blue handle.
- - Claim 10 (original) The bucket of claim 9 wherein the handle is made of wood.
- Claim 11 (canceled)
- Claim 12 (not entered)
- Claim 13 (new) A bucket with plastic sides and bottom.

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## Revised Amendment Practice Amendments to Claims

✧ A claim listing must include:

- The **claim number** of every claim ever presented in the application, whether entered or not;
- A **status identifier**, in parentheses, following each claim number;
- The **text of all pending claims** (including withdrawn claims); and
- **Markings** to show the changes made only in the current amendment relative to immediate prior version.

✧ The claims in the claim listing of the current amendment will replace all prior versions, and listings, of claims in the application.

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## Revised Amendment Practice *Amendments to Claims*

### ✧ The seven (7) permissible **status identifiers**:

1. **(Original)**: Claim filed with original specification
  - Not added by preliminary amendment and
  - Not previously amended.
2. **(Currently amended)**: Claim being amended and which is not withdrawn in the current amendment
  - Must include markings (strikethrough, double brackets, or underlining) to indicate changes.
3. **(Canceled)**: Claim canceled or deleted in current amendment or previously.
  - Do not present the text of a canceled claim.
  - Consecutive canceled claims may be grouped together (e.g., claims 1-5 (canceled)).

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## Revised Amendment Practice *Amendments to Claims*

### ✧ The seven (7) permissible **status identifiers** (cont.):

4. **(Withdrawn)**: Non-elected claim.
  - The text of a withdrawn claim must be presented.
  - Currently amended withdrawn claims must be presented with markings (strikethrough, double brackets, or underlining) to indicate changes.
5. **(Previously presented)**: Claim that was previously added or amended in an earlier amendment paper.
6. **(New)**: Claim being added in the current amendment paper.
  - The text of the claim must be presented in clean form without underlining.
7. **(Not entered)**: Claim presented in a previous unentered amendment.
  - Do not present the text of a not entered claim.
  - Consecutive not entered claims may be grouped together (e.g., Claims 20-25 (not entered)).

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